

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

MARY ANN PARKER,

Plaintiff,

V.

OXFORD SHELL, LLC, *a domestic
limited liability company,*

Defendant.

Case No.: 1:17-CV-0589-VEH

ORDER OF DISMISSAL WITHOUT PREJUDICE

On July 7, 2017, the Court entered an Order requiring Plaintiff to show cause why her case should not be dismissed for the failure to prosecute. (Doc. 11). Plaintiff timely filed a Response to Order To Show Cause (the “Response”) (doc. 12) on July 28, 2017, relating to her failure to timely perfect service on Defendant. Based on that Response, the Court gave Plaintiff until August 11, 2017, in which to complete service on Defendant. That deadline has passed and Defendant remains unserved.

For the conduct set out in this Court’s previous Order (doc. 11), and in light of Plaintiff’s failure to perfect service on Defendant by the extended deadline of August 11, 2017, this action is **HEREBY DISMISSED WITHOUT PREJUDICE** *sua sponte* for Plaintiff’s failure to prosecute and/or comply with the Order(s) of this Court. *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31, 82 S. Ct. 1386, 1389.

8 L. Ed. 2d 734 (1962) (“The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985) (“The court’s power to dismiss is an inherent aspect of its authority to enforce its orders and [e]nsure prompt disposition of lawsuits.” (citing *Link*, 370 U.S. at 630-31, 82 S. Ct. at 1388-89)); *see also* FED. R. CIV. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”).

DONE and **ORDERED** this the 22nd day of August, 2017.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS
United States District Judge